

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL W. RANNELS,

Plaintiff,

v.

SMITH, et al.,

Defendants.

Case No.: 1:21-cv-00049-SKO (PC)

**ORDER TO SHOW CAUSE WHY MOTION
TO PROCEED *IN FORMA PAUPERIS*
SHOULD NOT BE DENIED**

21-DAY DEADLINE

Plaintiff Daniel W. Rannels moves the Court to proceed *in forma pauperis* in this action. (Doc. 2.) According to the certified account statement submitted by the California Department of Corrections and Rehabilitation, Plaintiff has received, on average, monthly deposits of approximately \$400 to his inmate trust account over the past six months, and he currently has \$1,337.32 in his account. (Doc. 6) This is more than enough to pay the \$402 filing fee in this action. Therefore, Plaintiff must show why he is entitled to proceed *in forma pauperis*.

Proceeding “in forma pauperis is a privilege not a right.” *Smart v. Heinze*, 347 F.2d 114, 116 (9th Cir. 1965). While a party need not be completely destitute to proceed *in forma pauperis*, *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339-40 (1948), “the same even-handed care must be employed to assure that federal funds are not squandered to underwrite, at public expense, either frivolous claims or the remonstrances of a suitor who is financially able, in whole or in material part, to pull his own oar.” *Doe v. Educ. Enrichment Sys.*, No. 15-cv-2628-MMA-

1 MDD, 2015 U.S. Dist. LEXIS 173063, *2 (S.D. Cal. 2015) (quoting *Temple v. Ellerthorpe*, 586
2 F. Supp. 848, 850 (D.R.I. 1984)). Hence, “the court shall dismiss the case at any time if the court
3 determines that the [plaintiff’s] allegation of poverty is untrue.” 28 U.S.C. § 1915(e)(2)(A).

4 Plaintiff appears to have adequate funds to pay the filing fee for this action in full.
5 Accordingly, the Court ORDERS Plaintiff, **within 21 days** of the date of service of this order, to
6 show cause in writing why his motion to proceed *in forma pauperis* should not be denied. Failure
7 to respond to this order may result in a recommendation that this action be dismissed for failure to
8 obey a court order.

9
10 IT IS SO ORDERED.

11 Dated: **January 14, 2021**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE